

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 12-17, 23-28, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 2002/0042277) in view of Geiger et al (US 6,377,810) and Neher (US 5,905,461).

- In regard to claims 1, 12, 23, 35 and 36 Smith discloses a method, a computer program on computer readable medium and a system for providing location data of a mobile device using a web service, comprising:
 - Receiving location data at the web service associated with and transmitted by a mobile device (paragraph 24)
 - Receiving a location request from a client using a web service, the location request including information identifying the mobile device and the client (paragraphs 24 and 49)

Smith fails to specifically disclose sending a permission request to the mobile device in response to the received location request and providing access to the location data associated with the mobile device based on a response by the mobile device to the permission request. Smith discloses searching in the HLR subscriber profile to find out if a user has permission to receive the location. (paragraph 24) Geiger et

al, however, discloses sending a message to the mobile device requesting location information. (Column 3, line 51 - Column 4, line 6) It would have been obvious to one having ordinary skill in the art at the time of the invention to include this known way of determining whether a user can receive the location information of a mobile device instead of just searching through the subscriber profile. Smith and Geiger et al also fail to disclose polling, by the web service, the mobile device to provide location data, however, this is common and well known in the art as taught by Neher (Column 1, line 58 - Column 2, line 3). It would have been obvious to one having ordinary skill in the art at the time of the invention to allow the web service to contact the device and determine its location.

- In regard to claims 2, 13 and 24, Smith discloses the location data comprising a geographic location and a time stamp (paragraph 25)
- In regard to claims 3, 14 and 25, Smith discloses further comprising determining request permissions associated with the mobile device based on the identified client (paragraph 19)
- In regard to claims 4, 15 and 26, Smith discloses the location request comprising a monitoring request and a criteria for comparing location data (paragraphs 49 and 50)
- In regard to claims 5, 16 and 27, Smith discloses further comprising, periodically receiving additional location data associated with the mobile device, comparing the received location data associated with the mobile device to the criteria and

automatically communicating an alert to the client in response to the location data satisfying the criteria. (paragraph 50)

- In regard to claims 6, 17 and 28, Smith discloses the criteria comprising arriving at a location (paragraph 50)
- In regards to claims 8, 19 and 30, Smith discloses the criteria comprising the mobile device crossing a geographic perimeter. (paragraph 50) The mobile device or the client are able to select a designated location on when to send an alert.
- In regard to claim 34, Smith discloses a method for providing a location data of a mobile device using a web service, comprising:
 - Receiving location data at the web service associated with and transmitted by a plurality of mobile devices, the location data including a geographic location and a time stamp (paragraphs 24 and 25)
 - Receiving a location request from a client at a web service, the location request including a monitoring request, criteria and information identifying the mobile device and the client (paragraphs 49 and 50)
 - Periodically receiving additional location data associated with the mobile device (paragraph 49)
 - Comparing the received location data associated with the mobile device to the criteria (paragraph 50)
 - Automatically communicating an alert from the web service to the client in response to the location data satisfying the criteria (paragraph 50)

Smith fails to specifically disclose sending a permission request to the mobile device in response to the received location request and providing access to the location data associated with the mobile device based on a response by the mobile device to the permission request. Smith discloses searching in the HLR subscriber profile to find out if a user has permission to receive the location. (paragraph 24) Geiger et al, however, discloses sending a message to the mobile device requesting location information. (Column 3, line 51 - Column 4, line 6) It would have been obvious to one having ordinary skill in the art at the time of the invention to include this known way of determining whether a user can receive the location information of a mobile device instead of just searching through the subscriber profile. Smith and Geiger et al also fail to disclose polling, by the web service, the mobile device to provide location data, however, this is common and well known in the art as taught by Neher (Column 1, line 58 - Column 2, line 3). It would have been obvious to one having ordinary skill in the art at the time of the invention to allow the web service to contact the device and determine its location.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 2002/0042277) in view of Geiger et al (US 6,377,810) and Neher (US 5,905,461). Smith fails to specifically disclose the criteria comprising a determination of a location of a first mobile device within a specified distance of a second mobile device, however, Smith does disclose being able to monitor multiple devices and being able to specify locations at which the client receives an alert about the location. It would have been obvious to one having ordinary skill in the art at the time of the invention to include

sending an alert when mobile clients are nearby each other if the job of the employees is to meet together since it is tracking employees.

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 2002/0042277) in view of Geiger et al (US 6,377,810) and Neher (US 5,905,461) and further in view of Meadows et al (US 6,716,101). Smith fails to disclose the response comprising a route that the mobile device travels between a first and a second location and the response comprising a speed that the mobile device travels over a period of time. Meadows et al discloses this. (Column 5, lines 22-29) It would have been obvious to one having ordinary skill in the art at the time of the invention to include the traveling speed and route taken for a mobile device in order for a client to easily monitor the activities of an employee or child.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 12, 23 and 34 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments filed 3/5/08 in regard to claim 35 have been fully considered but they are not persuasive. Applicant argues that the references use different ways to authorize the client, however, as stated by the Applicant, both references authorize the client at the web service based at least in part on the identified mobile device and the client. Although they may present different ways of authorizing the client, both references disclose the client authorization.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARIE A. WEISKOPF** whose telephone number is (571)272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3664

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MW

/Khoi H Tran/

Supervisory Patent Examiner, Art Unit 3664